



January 29, 2026



RE: [REDACTED] v. WV DoHS
ACTION NO.: 25-BOR-3523

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Ryan Thayer, WV DoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-3523

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on January 20, 2026.

The matter before the Hearing Officer arises from the Respondent's proposed expungement of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a notice dated December 23, 2025.

At the hearing, the Respondent appeared by Ryan Thayer, Economic Service Worker Senior, WV DoHS. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Fair Hearing Request Form
- D-2 Documentation from EBT Edge
- D-3 Client Notices Summary
- D-4 Notice of Decision dated December 23, 2025
- D-5 Case Comments from Respondent's computer system
- D-6 West Virginia Income Maintenance Manual Chapters 10.3.3, 10.3.3.A and 10.3.3.C
- D-7 West Virginia Income Maintenance Manual Chapters 11.2.6.A.2 and 11.2.8
- D-8 West Virginia Income Maintenance Manual Chapter 2.2.1.C
- D-9 EBT Transaction Search Results for October 26, 2025, through January 28, 2026
- D-10 EBT Transaction Search Results for January 2, 2025, through March 24, 2025

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) On December 23, 2025, the Respondent notified the Appellant that he had not utilized benefits on his SNAP Electronic Benefits Transfer (EBT) account for 229 days from the date they were issued (Exhibit D-4).
- 3) The December 23, 2025, notice states that if the EBT benefits are not used within 274 days (nine months) from the date of issuance, they will be removed from the EBT account 45 days from the mailing date of the notice (Exhibit D-4).
- 4) The Appellant received 72 SNAP expungement notices between May 2021 and December 2025 (Exhibit D-3).
- 5) EBT Transaction Results show that the Appellant's EBT account consistently has a carryover balance of SNAP benefits (Exhibits D-9 and D-10).
- 6) The Appellant filed a hearing request to contest the expungement of SNAP benefits on December 30, 2025 (Exhibit D-1).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 10.3.3 addresses SNAP benefit expungement and states:

“Benefit” refers to the procedural process of depositing any Supplemental Nutrition Assistance Program (SNAP) or cash benefits into an EBT cardholder's account.

“Expungement” is the removal of benefits from an EBT account.

The “aging process” is based on a first-in, first-out basis, oldest to newest, which means each grant month deposit has a separate aging cycle.

The issuance date will be the parameter that determines the aging of the month.

Once a benefit month account has reached 274 days of non-use from the date of issuance for SNAP and 365 days from the date of last use for WV WORKS, the benefit is expunged...

Expungement occurs based upon the date of issuance and the time a monthly benefit was issued to the household. Once benefits have been expunged, the benefit aging and benefit expungement process will continue for remaining benefit months on an account based on the date(s) the remaining months were issued.

West Virginia Income Maintenance Manual Chapter 10.3.3.A states that an alert will be sent to the worker and a notice to the SNAP Assistance Group advising they have not used benefits from the account that were issued 229 days prior to the date of the notice. The notice advises if the client does not take action within 13 days and a claim is present, the remaining amount from the benefit will be applied to the claim.

West Virginia Income Maintenance Manual Chapter 10.3.3.C states that an alert will be sent to the worker and a notice to the client advising the SNAP benefits have been expunged and are no longer available. The notice will also advise they may have other benefit months remaining. The clients are also encouraged to use all monthly SNAP allotments within 274 days of receipt...

After an expungement, all other non-zero benefits on the account will remain unaffected and will continue to age until they reach 274 days from the date they were issued and then they will be expunged as well.

7 Code of Federal Regulations 274.2(i) addresses SNAP expungement:

i) ***Expungement.***

(1) State agencies shall apply SNAP transactions against a household's SNAP benefits on a first-in-first-out basis. As a result, the oldest SNAP benefits are used first. On a daily basis, the State agency shall expunge benefits from EBT accounts at the monthly benefit allotment level in accordance with either [paragraph \(i\)\(1\)\(i\)](#) or [\(ii\)](#) of this section. State agencies must designate which approach will be used in its State plan and use the same approach for all households within the State.

(i) ***Inactive EBT accounts.*** Benefits allotments, or portion thereof, shall be expunged from EBT accounts that have been inactive, per [paragraph \(h\)\(1\)](#) of this section, for a period of nine months (274 days) in accordance with the following:

(A) When the oldest benefit allotment has not been accessed by the household for nine months, the State agency shall expunge benefits from the EBT account or off-line storage at the monthly benefit allotment level as each benefit allotment ages to nine months since the date of issuance or since the last date of account activity, whichever date is later.

(B) The State agency shall not expunge any benefits from active accounts even if there are benefit allotments older than nine months. If at any time after the expungement process begins, the household initiates activity affecting the balance of the account, the State shall stop expunging benefits from the account and start the account aging process over again for the remaining benefits.

(ii) **Unused benefits.** The State agency shall expunge individual benefit allotments, or portion thereof, that remain in a household's EBT account nine months (274 days) after the date the allotment was issued to the household, regardless of any account activity that may have taken place.

(2) Not later than 30 days before benefit expungement is scheduled to begin, State agencies shall provide notice to the household that benefits in their EBT account are approaching expungement due to nonuse/inactivity. At a minimum, the notice shall include:

(i) The date upon which benefits are scheduled to be expunged; and

(ii) The steps necessary to prevent the expungement, including an opportunity to request that any benefits stored off-line be restored to the household in accordance with [paragraph \(h\)](#) of this section;

(3) Expunged benefits shall be removed from the Account Management Agent and shall not be reinstated.

DISCUSSION

Policy requires that a notice be sent to SNAP Assistance Groups when they have not used SNAP benefits from their EBT account that were issued 229 days prior to the date of the notice. Once a benefit account has reached 274 days of non-use from the date of issuance, the benefit is expunged from the SNAP account.

The Appellant questioned how SNAP benefits are expunged from his account and voiced protest to the process. The Respondent's representative indicated that SNAP benefits are expunged when a balance from a SNAP issuance is carried over for 274 days (nine months) after the benefit was issued. He testified that the Appellant has received 72 expungement letters since 2021 regarding SNAP benefits that have been carried over and not utilized. He stated that the Appellant can go online and check his EBT SNAP balance to determine the status of his benefits. The Appellant provided no explanation for why he has a recurring carryover balance on his EBT account but contended that he uses his SNAP benefits.

The Appellant filed his hearing request on December 30, 2025, based on a notice dated December 23, 2025, that advised he had not used SNAP EBT benefits for 229 days past their issuance date. At that time, he would have had 45 days remaining to utilize the aging EBT benefits in question. The 45-day period to utilize the aging benefits has not yet expired. The December 23, 2025, letter concerns

the expungement of unused SNAP benefits issued in May 2025 and the Board of Review can consider additional expungement notifications received in the 90-day period prior to the hearing request.

However, as the Appellant's EBT balance has shown a pattern of monthly carryovers of unspent SNAP benefits dating back to at least January 2025, the Respondent's decision to expunge SNAP benefits after 274 days (nine months) is affirmed. It is recommended that the Appellant check his current SNAP EBT balance and spend it as expeditiously as possible, and that he review his balances often to avoid carryover amounts and continued expungement.

CONCLUSIONS OF LAW

- 1) Policy requires that a notice be sent to SNAP Assistance Groups when they have not used SNAP benefits in their EBT account that were issued 229 days prior to the date of the notice.
- 2) Once a SNAP benefit has reached 274 days of non-use from the date of issuance, the benefit is expunged from the SNAP account.
- 3) The Appellant has a pattern of carryover balances on his SNAP EBT account from previous month's issuances and his unused SNAP benefits have been expunged in accordance with policy after nine months.
- 4) The SNAP benefits addressed in the Appellant's December 23, 2025, notice have not yet expired and will be expunged in accordance with policy if they are not utilized.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's expungement of SNAP benefits from the Appellant's EBT account.

ENTERED this 29th day of January 2026.

Pamela L. Hinzman
State Hearing Officer